

JH/s

of copy

16 May 1956

MEMORANDUM FOR: Mr. Warner

SUBJECT : Availability of Section 911 of the
Foreign Service Act to CIA

1. In accordance with your request I attach, in the order mentioned, various papers of this Office which concern the above subject:

a. So far as I can determine the matter was first discussed in my opinion of 16 June 1955 to the Assistant Deputy Director (Support) in response to a memorandum from the Director of Personnel, raising various questions concerning the Foreign Service Amendments of 1955. We stated there that 911(9) was not available to this Agency for persons compensated from vouchered funds, but that the Director may under Section 10(b) of Public Law 110 "determine to apply Sections 901(2), as amended, and 911(9)" to unvouchered personnel assigned to overseas stations. (This was the first of that series of three opinions I wrote concerning the Foreign Service Amendments. The other two opinions were directed only to the question of whether the amended form of 901(2) is available.) Although the distribution indicators on my copy of this opinion shows only addressee and General Counsel distribution, I believe Personnel received a copy.

b. In my memorandum of 23 January 1956 to the Deputy Director (Support) concurring with the proposed regulation on Education Allowances (R 20-610, Section II), we stated that with reference to Mr. Reynolds' recommendation that the Agency establish a policy in favor of paying education and travel grants "to the extent of present authority" a policy decision by the Director to pay such grants with respect to personnel paid from unvouchered funds would be necessary and that there appeared to be no authority for a decision to pay grants to other personnel.

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c. In a memorandum entitled "Brief Description to Identify Various Public Laws and H. R. Numbers", which [] advises you wrote, there is a statement (see "SECTION 4", page 2) that the authority of Section 911 of the Foreign Service Act "is not presently available to CIA." This is your paper which [] had in mind.

2. The proposed R 22-201 "Travel of Dependents For Secondary or College Education" provides that the Agency may pay such expenses for employees paid from Confidential Funds.

3. The regulation concerning education allowances, Section II of R 20-610, includes a provision which suggests that travel grants for education purposes may not be authorized for all personnel. Paragraph 1c provides:

"Such grants as may be authorized for travel to the continental United States for secondary or college education will be reflected in a separate regulation."

[]

Assistant General Counsel

Attachments

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